



Hogan Lovells US LLP  
390 Madison Avenue  
New York, NY 10017  
T +1 212 918 3000  
F +1 212 918 3100  
[www.hoganlovells.com](http://www.hoganlovells.com)

December 22, 2023

**Via ECF**

Hon. P. Kevin Castel  
U.S. District Court, Southern District of New York  
500 Pearl St.  
New York, NY 10007

**Re: Sphere 3D Corp. v. Gryphon Digital Mining, Inc., 1:23-cv-02954-PKC**

Dear Judge Castel:

We represent Defendant Gryphon Digital Mining, Inc. ("Gryphon") in the above-captioned matter. We write with the consent of counsel for Plaintiff, Sphere 3d Corp. ("Sphere"). There are no conferences presently scheduled before the Court.

On December 21, 2023, Sphere filed its premotion letter setting forth the basis for Sphere's anticipated motion to dismiss Gryphon's counterclaims. Pursuant to Rule 3.A.iii of Your Honor's Individual Practices, the current deadline for Gryphon's response to Sphere's Premotion Letter is December 27, 2023. In light of the upcoming holiday weekend, the parties have agreed to extend the deadline for Gryphon to respond to Sphere's Premotion Letter to **January 3, 2024**.

Additionally, the parties respectfully request that the briefing schedule for Sphere's motion to dismiss be revised as follows: Sphere's motion to dismiss be due January 17, 2024; that Gryphon's opposition be due February 9, 2024; and that Sphere's reply be due March 1, 2024.

Respectfully submitted,

/s/ Dennis H. Tracey, III  
Dennis H. Tracey, III  
Allegra M. Bianchini  
HOGAN LOVELLS US LLP  
390 Madison Avenue  
New York, NY 10017  
T +1 212 918 3000  
[dennis.tracey@hoganlovells.com](mailto:dennis.tracey@hoganlovells.com)  
[allegra.bianchini@hoganlovells.com](mailto:allegra.bianchini@hoganlovells.com)  
*Attorneys for Defendant*  
*Gryphon Digital Mining, Inc.*

cc: All Counsel of Record (via ECF)